

**MINUTES  
BOARD OF FORESTRY  
December 6 and 7, 1999  
Sacramento, California**

**MEMBERS PRESENT:** Robert J. Kerstiens, Chairman  
Stan Dixon  
Raymond Flynn  
Robert Heald  
Kirk Marckwald  
Tharon O'Dell

**BOARD STAFF PRESENT:** Christopher P. Rowney  
Executive Officer  
Daniel R. Sendek  
Executive Officer, Foresters Licensing  
Donna Stadler, Executive Assistant

**DEPARTMENTAL STAFF:** Andrea Tuttle, Director  
Woody Allshouse, Chief Deputy Director  
Ross Johnson, Deputy Director  
Resource Management  
Dean Lucke, Assistant Deputy Director  
Dennis Hall, Regulations Coordinator

**CALL TO ORDER**

Chairman Kerstiens called the December 1999 meeting to order and recessed to Executive Session.

**REPORT OF EXECUTIVE SESSION**

Chairman Kerstiens reported on the Executive Session.

Mr. Daniel Sendek, Executive Officer for Licensing, reported that during the Executive Session, the Board reviewed two Stipulated Agreements recommended by the PFEC. They involved two RPF cases, 261 and 266. He said that following deliberation, the Board agreed to approve both Stipulated Agreements. Case number 261 involved Glenn T. Edwards, RPF 2363 and case number 266 Robert F. Krohn, RPF 1049. He then summarized the cases.

Mr. Rowney said that the Board considered RPF case 258, Harvey A. Stripland. The Office of Administrative Hearings heard the matter and provided a decision, which had been submitted to the Board. The Board reviewed the proposed decision and voted to send it back to the Administrative Law Judge for taking additional evidence. On another matter, the Board voted to re-instate the licenses of William Delimont, RPF 2101; and David McHardy, RPF 1589. Also,

the Board voted to approve the requested withdrawal of the License of Kenneth Meyer, RPF 444.

## **MINUTES**

Chairman Kerstiens said that the Board would consider the approval of the November and December 1999 minutes its January 2000 meeting.

## **CHAIRMANS REPORT**

Chairman Kerstiens referred to an article in the Record Searchlight, a Redding California publication. He said that the article talked about a 36,000-acre conservation easement, in Tehama County, purchased by The Nature Conservancy of California. This is the largest easement of its kind in California. It is designed to guard against future urban development while protecting its natural, historic, and scenic values. He then referred to an article in the Red Bluff Daily News regarding the Cottonwood Creek Watershed Group. The Group received a grant for \$340,000.00 from the CalFed-BayDelta Program for ecosystem restoration. The grant is to be used to assess the watershed stretching from Shasta and Tehama counties and borders the Trinity and the Mendocino County lines.

## **DIRECTORS REPORT**

Mr. Dean Lucke, Assistant Deputy Director for Forest Practice, said that the Director's report was in the binder and there is nothing to add.

## **PRESENTATION FROM DEPARTMENT OF FISH & GAME REGARDING PETITION SUBMITTED TO FISH AND GAME COMMISSION TO LIST MONTEREY PINE AS A THREATENED SPECIES PURSUANT TO THE CALIFORNIA ENDANGERED SPECIES ACT**

Mr. Marty Berbach, Department of Fish and Game (DFG), gave a brief presentation on the position of DFG on the petition submitted to the Fish and Game Commission (F&GC) to list Monterey Pine as threatened. He provided an overview of the listing process under the California Endangered Species Act. The Commission received the petition to list the Monterey Pine on August 10, 1999, forwarded it to the DFG for the scientific review. Currently, the DFG is in the 30-day extension period for the scientific review. The DFG does not yet have a recommendation to submit to the Commission. He said that it is his understanding that the Commission has this item on its agenda for February 2000. He then said that he would keep the Board informed.

Mr. Robert Thornton, an attorney for the Nossaman law firm representing a Pebble Beach Corporation, provided the Board with written comments regarding the proposed listing of Monterey Pine currently before the F&GC. He said that the Monterey Pine is the most widely cultivated species in the world. He then introduced Dr. Libby.

Dr. Bill Libby, Professor Emeritus from the University of California, Berkeley, said that the Pine Canker issue is a serious one and would have a serious impact throughout the state. He talked about the world trade situation with regard to the species. It would have a serious financial impact on California. However, Monterey Pine has a way of regeneration and he believes that the species would recover.

Dr. Thomas Gordon, a Professor of Plant Pathology at the University of California, Davis, said that he has been a member of the Pitch Canker Task Force at University of Davis since 1987. He said that the level of resistance varies widely and is found in all three populations. He believes that, over time, the species will come back based on the rate of regeneration. Dr. Gordon said that Pitch Canker is a serious problem and there is a need to be concerned, but it is not something that would drive the species to extinction.

Dr. Andrew Stores spoke to the mortality issue. He said that the petition assumes that the mortality will occur only once, but it would occur over time. He encouraged the Board to take a position on the petition.

Ms. Traci Thieli believes that it is necessary to isolate and sterilize the species in an effort to provide protection.

Mr. Steve Butler believes Monterey Pine to be a low value species. He said that the fire hazard is high and expressed concern over the impacts on management of stands. He asked that the Board stay involved.

Mr. Bernie Bush, Simpson Timber Company, provided the Board with a copy of Simpson Timber's position on the petition. He asked that the Board and the Department oppose the listing of Monterey Pine. Simpson Timber believes that the listing would be counterproductive.

Mr. Mark Rentz, California Forestry Association (CFA), agreed with the position of Simpson Timber. He then reviewed the reasons CFA opposes the listing of Monterey Pine. CFA believes that if the species were listed, the management costs would be significant. He said that CFA strongly urges the Board to communicate to the F&GC its opposition to the listing of Monterey Pine.

Mr. Christopher Rowney, Executive Officer for the Board, said that there were Russian visitors among the audience today. He introduced Dr. Vladimir Sokolov, Vice Director for the International Forestry Institute, East Siberia Division and head of the Forest Inventory and Forest use Laboratory; and Dr. Igor Danilin, Senior Researcher for the Forest Inventory and Forest use Laboratory. He said that they work at the Sukachev Institute of Forests, a part of the Siberian branch of the Russian Academy of Scientists. They are currently working on development of a forest code, which is similar to the California Forest Practice Regulations.

Chairman Kerstiens asked the Board if they wanted to send a letter to the Fish and Game Commission at this time.

Mr. Flynn asked about the time-line.

Mr. Rowney said that the Fish and Game Commission would hold a public hearing in February and that testimony would be taken then.

Mr. Robert Treanor, Executive Officer of the Fish and Game Commission urged the Board to send a letter to the Commission.

Mr. Marckwald said that he would be interested in hearing what the DFG had to say on the issue.

Mr. Berbach said that he did not have a date when the report from the DFG would be out.

Mr. O'Dell said that the Monterey Pine issue needs management and asked what kind of management was being done.

Mr. Heald said that this seems to be an issue where the Board and the F&GC should develop a joint policy for consideration at the Joint meeting. He said that he would like to hear from the F&GC in January.

Mr. Lloyd Bradshaw, Hearst Corporation, said that the F&GC had 90-days date he was given for letters of support and/or opposition was December 17, 1999.

Mr. Heald said that he thought that it would be appropriate to send a letter to the Commission stating that the Board opposes the petition.

Mr. Treanor said that the Director of the F&GC could accept comments up to December 17. By statute, a hearing needs to be scheduled for the next regularly scheduled meeting, which is February 3, 2000. The Board could provide comments up to that date.

Chairman Kerstiens asked the Board if they wanted to go with member Heald's suggestion and send a letter to the Commission.

The members agreed to send the F&GC a letter of opposition to the petition.

Mr. Treanor said that a Joint subcommittee might be possible.

Ms. Karen Barnette, USFS, said that she and the Russian visitors would have to leave, but said that they appreciated the opportunity to view what went on today. She then provided the Board with pins from the Russian delegation.

## **REPORT OF STANDING COMMITTEES**

### **RESOURCE PROTECTION COMMITTEE (RPC)**

Mr. Dixon, Chair of the RPC, said that the Department provided the Committee with an update on its Y2K compliance. The Department would maintain a minimum staffing over the New Years weekend.

Mr. Dixon said that the Ranger Unit Chiefs provided copies of their reports and reviewed them for the Committee.

Next, the Department provided an update on the Fire Plan and proposals for prefire management. There was also a briefing on the Forest Stewardship and CFIP funding available for vegetation management proposals. It was noted that Israel had contacted CDF expressing an interest in using the Fire Plan concepts to address fire concerns near Tel Aviv. The Department also briefed the Committee on the status and activities of the FireSafe Councils.

Mr. Dixon said that the Committee received reports from the USFS and its fire activities. There was also some discussion on the MOU with the Air Resource Control Board. The FS then reported on initiatives affecting USFS lands. There are ongoing hearings for revision of the National Forest Management Act regarding sustained ecological, social, and economic values. They reported that the Sierra Nevada Framework draft EIS is going to Washington for review and should be out for public review and comment in early 2000. The project manager is scheduled to meet with the Range Management Advisory Committee (RMAC) on December 17 to discuss concerns RMAC raised regarding the Framework. There will be two workshops next year; one will focus on Aquatic and Riparian Science, and the other on Fire and Fuels.

Mr. Dixon said that the Department provided an update on its Vegetation Management Plan EIR for the Committee.

Mr. Dixon then said that the Committee discussed its goals for 2000. He said that other issues would be to continue monitoring and updating the Fire plan, and monitoring the retirement/recruitment concerns of the Department (changing face of CDF). He said that the Committee also discussed several trips it would like to make including the Academy at Lone, the Mobile Equipment facility at Davis, and a meeting devoted to the USDA Forest Service Fire program, possibly in Redding.

Chairman Kerstiens said that the RPC talked about meeting in other areas throughout the state in an effort to see the problems first hand that the Board addresses.

## **INTERIM COMMITTEE**

Mr. Heald, Chair of the Interim Committee, reported that the Committee met all day on December 6, 1999, and thanked all of those who participated. He said that the Committee has now gone completely through the 15-Day Notice of the Agency Package. He believes that if the Committee could meet for another hour or so that it could get the appropriate language for a 45-Day Notice.

Chairman Kerstiens asked if the Committee would want to resume discussion today if the Board would adjourn early enough.

Mr. Heald believes that it would be beneficial.

## **PUBLIC FORUM**

Mr. Joe Blum, National Marine Fisheries Service (NMFS), provided the Board with a handout regarding the development of a set of forestry standards and guidelines in an effort to exemplify conservation measures necessary for the conservation of federally listed salmon. He said that on November 8, 1999, the NMFS published in the Federal Register the "harm" rule effective on December 8, 1999. The "harm" rule is to define a part of "take" in ESA. In addition, he said that next week the NMFS would publish a series of 4(d) rules for Steelhead (for "threatened"), and by June 2000, the final rule would be out. He then reviewed his handout with the Board. He said that NMFS would urge the Board to continue to look hard at providing the best protection that it can.

Mr. Charlie Brown, Fruit Growers Association, said that in 1995, Fruit Growers started a multi-species HCP with the Fish and Wildlife Service, the Department of Fish and Game, and NMFS, but in 1997 it ended up being an "owl" only HCP. In 1997, NMFS said that one could not log in the state without taking fish. He said that what NMFS wanted was a much higher standard than what is required of an incidental Take analysis. The result would be that Fruit Growers would not be able to harvest 47 percent of its ownership. Fruit Growers has given up on the HCP.

Mr. Tom Nelson, Sierra Pacific Industries (SPI), said that the Board should not view the NMFS document as a short-term HCP. They were presented as a no effect. There is a "take" standard, a "no take" standard, and then there is the standard that there is no way you could affect these things. It is his understanding that it came about through Fish and Wildlife not through NMFS. He said that from a policy standpoint, the most important thing in this document is the cover letter. He believes that last paragraph in the cover letter is a serious statement. This document should not be taken lightly.

Mr. Mark Rentz, California Forestry Association (CFA), provided the Board with a letter from the USDA. He began by commenting on the package from NMFS. He said that the letter from NMFS has some very serious legal implications and CFA is not going to take it lightly. He also encouraged the Board to take a very close look at the document which was signed by the Acting Regional Director of NMFS. He then referred to the letter he provided to the Board. He said that there was a meeting sponsored by the USFS at Mather Air Force Base earlier this month regarding a national effort to develop a response and possibly a strategic plan to deal with catastrophic wildfires in the West. He expressed concern over what was presented by the Forest Service at that meeting. He read a portion of the USDA letter into the record.

Ms. Traci Thiele, representing the Humboldt Watershed Council, said that the Freshwater process is ongoing. She said that there is growing belief that the process is a facade. She said that a lot of people want to quit; however the Council will continue with the process under duress. Ms. Thiele then addressed the issue of the "tree sitter." This would be the second anniversary of that effort to protect the tree.

Ms. Trinda Bedrossian, Division of Mines and Geology, said that the long awaited CD for mapping has been released and is available. She expressed the DMG's appreciation for helping to put the CD together.

Mr. Heald said that the Board has documentation for the 1037.5 revision that would add DM&G to the review team. He asked the Board if it would be appropriate to send for 45-Day Notice.

There was a brief discussion.

**99-12-1** Mr. Heald moved to send out a 45-Day Notice on the revision to 1037.5. Mr. Marckwald seconded the motion, and all were in favor.

Ms. Cynthia Elkins, EPIC, provided the Board with a letter on for Late Successional Forests (LSF). She then requested that the Board form a working group to determine alternative rule language LSF. This would give the Board a jump-start so that it can be effective come 2001. She believes that CDF's White Paper on the LSF rules is confusing and poorly justified. She said that the problems still exist. She gave an example using the Bear River Drainage, the LSF has been reduced to 94 percent in the past 50 years in that watershed. She also said that the Forest Practice Rules do not include plants and do not conform to CEQA. The 1994 rules that were put into effect for LSF are flawed and need amending. She believes that if the Board waits until the Agency package and the Coho Considerations is dealt with, then it may be too late for anything to happen next year.

Mr. Heald said that EPIC has been persistent in asking to be put on the Board's Committee meeting agenda and that has not happened. He believes that the subject of Species of Special concern is something that the Board should be looked at. The Interim Committee would not be able to address it today. EPIC is asking if there could be another group of people put together to review these concerns, and then provide some suggested language to the Committee or the Board in February.

Mr. Marckwald believes that the Board needs to focus on what is already in front of it.

Ms. Elkins asked if it would be helpful to the Board to have some draft language presented to it as a starting point.

Mr. Heald said that would be good, but it could not be from the Board members.

Ms. Elkins then provided the Board with an official response on a timber harvest plan in Bear River for the Board's review.

Mr. Richard Gienger thanked the Board for its perseverance getting the Coho package through the Office of Administrative Law. He then provided the Board with a copy of the Agency amended version of the 916.4 and 916.2 changes. He asked if they could go out to a 15-Day Notice for a hearing in February.

Mr. Rowney said that the item is before the Committee.

Mr. Gienger referred to a letter he wrote to the Board on November 11, 1999 regarding a comprehensive watershed package. He said that there is a need to focus on the watercourse crossings and dealing with the 1603 process. He said that he would like to

make a presentation of petition of this watercourse crossing package with the potential of putting out a 45-Day Notice at the January meeting.

Ms. Kathy Bailey, Sierra Club, said that in the Jackson Demonstration State Forest management plan dates from 1983. The public has been engaged for the past three years to try to get CDF to bring the public in the process. There was a yearlong process that produced recommendations for a management plan. It is necessary to take a stand here now. The Sierra Club believes that there should be a moratorium on all approval of THPs on Jackson State until that management plan is updated.

Mr. Dean Lucke, CDF, said that the intent is to involve the public. The Management Plan that was in place when the presentation was made a few years ago providing for the it to be rewritten, in the interim, the existing Management Plan was to be used as a bases for THP submittal.

Mr. Felice Pace, Klamath Falls Alliance, said that during the Interim Committee meeting, there was no discussion on the 303(d) alternative rule. He said that he would like to address the issue to the full Board. He then reviewed his concerns.

### **EXECUTIVE OFFICERS REPORT**

Mr. Rowney reported that the Board received the Notice of Approval of Regulatory Action on amendments to 897, 898.1, 912.9 [932.9, 952.9], and Technical Addendum No. 2, 916, [936, 956] from the Office of Administrative Law. He then announced that the January meeting would be held here in Sacramento on January 10, 11, and 12, 2000.

### **ADJOURNMENT**

The full Board meeting was then adjourned and the Interim Committee resumed.

Respectfully submitted,

ATTEST:

Christopher P. Rowney  
Officer

Chairman

Robert J. Kerstiens Executive

Copies of the attendance sheet can be obtained from the Board office.